

Senate Bill 204

By: Senators Polak of the 42nd, Streat of the 19th and Thomas of the 10th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To revise provisions relating to bona fide coin operated amusement machines; to amend Part
2 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating
3 to gambling, so as to redefine the term 'gambling device' and thereby provide that certain
4 machines and devices are prohibited gambling devices; to provide that certain bona fide coin
5 operated amusement machines are not contraband; to provide a definition; to prohibit the
6 award of certain items as prizes; to provide that evidence of winnings from such machines
7 shall not be exchangeable or redeemable for money, cash, or its equivalent in this state or any
8 other jurisdiction; to change penalties for giving money for free replays on certain
9 amusement machines, for giving money for noncash prizes for playing certain amusement
10 machines, and for giving money for successful play of certain amusement machines; to
11 provide penalties for any person who gives to any other person money for any noncash
12 merchandise, prize, toy, gift certificate, or novelty received for playing a bona fide coin
13 operated amusement machine; to provide penalties for the receipt of money for such free
14 replays, for such noncash prizes, and for such successful play; to provide that giving or
15 receiving any money for a gift certificate or reusing a gift certificate awarded for successful
16 play is unlawful and to provide for penalties; to provide for seizure of such amusement
17 machines in certain circumstances; to provide for a civil action for forfeiture and for venue,
18 procedures, parties, notice, and disposition of such action; to require certain notice to be
19 printed on gift certificates awarded for successful play; to amend Chapter 17 of Title 48 of
20 the Official Code of Georgia Annotated, relating to taxation of bona fide coin operated
21 amusement machines, so as to provide for notice of certain criminal provisions on master
22 licenses and permit stickers issued for bona fide coin operated amusement machines; to
23 change the provision relating to master licenses; to provide for refusal to issue or renew a
24 master license or for suspension or revocation of a master license for violation of provisions
25 relating to gambling; to provide that hearings relating to licensing of bona fide coin operated
26 amusement machines are not subject to provisions relating to the Office of State
27 Administrative Hearings; to authorize the commissioner to impose certain penalties for

1 violation of Code Section 16-12-35 by certain business owners and business operators who
 2 are not licensees or applicants for licenses; to provide for verified monthly reports of gross
 3 retail receipts from bona fide coin operated amusement machines and total gross retail
 4 receipts from a business location in certain circumstances; to authorize audits; to provide
 5 penalties for violations by business owners or business operators who are not licensees or
 6 applicants for licenses; to provide for definitions; to prohibit local governments from
 7 prohibiting licensed bona fide coin operated amusement machines or limiting the number of
 8 such machines; to provide for exceptions; to authorize certain regulation of amusement
 9 machines by local governments, specified penalties for violations, and civil actions for
 10 injunctions in certain circumstances; to provide for related matters; to provide for effective
 11 dates; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
 15 relating to crimes involving gambling, is amended in Code Section 16-12-20, relating to
 16 definitions, by striking paragraph (2) and inserting in its place a new paragraph to read as
 17 follows:

18 (2) "Gambling device" means any contrivance which for a consideration affords the
 19 player an opportunity to obtain money or other thing of value, the award of which is
 20 determined by chance even though accompanied by some skill, whether or not the prize
 21 is automatically paid by contrivance, including, but not limited to:

22 (A) Any slot machine or any video game machine or device operated by a slot in which
 23 is deposited a coin or thing of value for the play of poker, blackjack, keno, lotto, bingo,
 24 or craps or any machine or device pertaining to games of chance of whatever name or
 25 kind, including those machines, boards, or other devices that display different pictures,
 26 words, or symbols at different plays or different numbers; or

27 (B) Any matchup or lineup game machine or device which requires the player to use
 28 skill stops to complete the game.

29 Any item described in subparagraph (A) or (B) of this paragraph shall be a prohibited
 30 gambling device subject to and prohibited by this part, notwithstanding any inference to
 31 the contrary in any other law of this state, including without limitation Code Section
 32 16-12-35 which shall not operate to exempt such items from this part.

33 **SECTION 2.**

1 Said part is further amended by striking in its entirety subsection (a) of Code Section
 2 16-12-30, relating to seizure and destruction of gambling devices, and inserting in lieu
 3 thereof the following:

4 "(a)(1) Except as provided in subsection (b) of Code Section 16-12-24, every gambling
 5 device is declared to be contraband and subject to seizure and confiscation by any state
 6 or local authority within whose jurisdiction the same may be found.

7 (2) Bona fide coin operated amusement machines, as defined in Code Section 48-17-1,
 8 which reward a successful player only with noncash redemption in accordance with
 9 subsection (c) or (d) of Code Section 16-12-35 are not gambling devices and are not
 10 contraband.

11 (3) Bona fide coin operated amusement machines, as defined in Code Section 48-17-1,
 12 which are alleged to have been used in a violation of subsection (e), (f), (g), or (h) of
 13 Code Section 16-12-35 are subject to seizure and forfeiture in accordance with the
 14 provisions of subsection (j) of Code Section 16-12-35."

15 SECTION 3.

16 Said part is further amended in Code Section 16-12-35, relating to the applicability of the
 17 part prohibiting gambling, by striking in their entirety subsections (a.1), (c), (d), (e), (f), and
 18 (g) and inserting in lieu thereof the following:

19 "(a.1) As used in this Code section, the term:

20 (1) 'Single play' or 'one play' means the completion of a sequence of a game where the
 21 player receives a score and from the score the player can secure free replays,
 22 merchandise, points, tokens, vouchers, tickets, or other evidence of winnings as set forth
 23 in subsection (c) or (d) of this Code section.

24 (2) 'Some 'some skill' means any presence of the following factors, alone or in
 25 combination with one another:

26 ~~(1)~~(A) A learned power of doing a thing competently;

27 ~~(2)~~(B) A particular craft, art, ability, strategy, or tactic;

28 ~~(3)~~(C) A developed or acquired aptitude or ability;

29 ~~(4)~~(D) A coordinated set of actions, including, but not limited to, eye-hand
 30 coordination;

31 ~~(5)~~(E) Dexterity, fluency, or coordination in the execution of learned physical or
 32 mental tasks or both;

33 ~~(6)~~(F) Technical proficiency or expertise;

34 ~~(7)~~(G) Development or implementation of strategy or tactics in order to achieve a goal;
 35 or

36 ~~(8)~~(H) Knowledge of the means or methods of accomplishing a task.

1 The term some skill refers to a particular craft, coordinated effort, art, ability, strategy,
2 or tactic employed by the player to affect in some way the outcome of the game played
3 on a bona fide coin operated amusement machine as defined in paragraph (2) of Code
4 Section 48-17-1. If a player can take no action to affect the outcome of the game, the
5 bona fide coin operated amusement machine does not meet the 'some skill' requirement
6 of this Code section. Any amusement game, including any video card game, which does
7 not require some skill, is subject to the provisions of this article prohibiting gambling,
8 even if prizes are limited as provided in subsections (c) and (d) of this Code section."

9 "(c)(1) Nothing in this part shall apply to a crane game machine or device meeting the
10 requirements of paragraph (2) of this subsection.

11 (2) A crane game machine or device acceptable for the purposes of paragraph (1) of this
12 subsection shall meet the following requirements:

13 (A) The machine or device must be designed and manufactured only for bona fide
14 amusement purposes and must involve at least some skill in its operation;

15 (B) The machine or device must reward a winning player exclusively with free replays
16 or merchandise contained within the machine itself and such merchandise must be
17 limited to noncash merchandise, prizes, toys, gift certificates, or novelties, each of
18 which has a wholesale value not exceeding \$5.00 and is not exchangeable or
19 redeemable in any manner in this state or in any other state, jurisdiction, or foreign
20 country for money, cash, or any equivalent thereof. The machine is prohibited from
21 awarding as a reward for successful play any item the sale of which is regulated by
22 Title 3, any tobacco products, lottery tickets, or any firearms. A player may be
23 rewarded with both free replays and noncash merchandise, prizes, toys, or novelties for
24 a single play of the game or device as provided in this Code section;

25 (C) The player of the machine or device must be able to control the timing of the use
26 of the claw or grasping device to attempt to pick up or grasp a prize, toy, or novelty;

27 (D) The player of the machine or device must be made aware of the total time which
28 the machine or device allows during a game for the player to maneuver the claw or
29 grasping device into a position to attempt to pick up or grasp a prize, toy, or novelty;

30 (E) The claw or grasping device must not be of a size, design, or shape that prohibits
31 picking up or grasping a prize, toy, or novelty contained within the machine or device;
32 and

33 (F) The machine or device must not be classified by the United States government as
34 requiring a federal gaming stamp under applicable provisions of the Internal Revenue
35 Code.

1 (d)(1) Nothing in this part shall apply to a coin operated game or device designed and
 2 manufactured only for bona fide amusement purposes which involves some skill in its
 3 operation if it rewards the player exclusively with:

4 (A) Free replays;

5 (B) Merchandise limited to noncash merchandise, prizes, toys, gift certificates, or
 6 novelties, each of which has a wholesale value of not more than \$5.00 received for a
 7 single play of the game or device and is not exchangeable or redeemable in any manner
 8 in this state or in any other state, jurisdiction, or foreign country for money, cash, or any
 9 equivalent thereof. The machine is prohibited from awarding as a reward for successful
 10 play any item the sale of which is regulated by Title 3, any tobacco products, lottery
 11 tickets, or any firearms;

12 (C) Points, tokens, vouchers, tickets, or other evidence of winnings which may be
 13 exchanged only for rewards set out in subparagraph (A) of this paragraph or
 14 subparagraph (B) of this paragraph or a combination of rewards set out in subparagraph
 15 (A) and subparagraph (B) of this paragraph; or

16 (D) Any combination of rewards set out in two or more of subparagraph (A), (B), or
 17 (C) of this paragraph.

18 This subsection shall not apply, however, to any game or device classified by the United
 19 States government as requiring a federal gaming stamp under applicable provisions of the
 20 Internal Revenue Code.

21 ~~(2) A player of bona fide coin operated amusement games or devices described in~~
 22 ~~paragraph (1) of this subsection may accumulate winnings for the successful play of such~~
 23 ~~bona fide coin operated amusement games or devices through tokens, vouchers, points,~~
 24 ~~or tickets. Points may be accrued on the machine or device. A player may carry over~~
 25 ~~points on one play to subsequent plays. A player may redeem accumulated tokens,~~
 26 ~~vouchers, or tickets for noncash merchandise, prizes, toys, gift certificates, or novelties~~
 27 ~~so long as the amount of tokens, vouchers, or tickets received does not exceed \$5.00 for~~
 28 ~~a single play Reserved.~~

29 (e) Any person who gives to any other person money for free replays on coin operated
 30 games or devices described in subsection (b), (c), or (d) of this Code section shall, for a
 31 first offense, be guilty of a misdemeanor; provided, however, that a first offense involving
 32 transfer of more than \$100.00 in a single transaction or in the aggregate shall be a felony
 33 punishable by imprisonment for not less than one and not more than three years or a fine,
 34 or both. Second and subsequent convictions shall be felonies punishable by imprisonment
 35 for not less than one and not more than three years or a fine, or both. The fine shall not
 36 exceed \$10,000.00 for either the first or the second felony conviction and shall not exceed
 37 \$20,000.00 for any subsequent felony conviction.

1 (f) Any person owning or possessing an amusement game or device described in
2 subsection (c) or (d) of this Code section or any person employed by or acting on behalf
3 of any such person who gives to any other person money for any noncash merchandise,
4 prize, toy, gift certificate, or novelty received as a reward in playing any such amusement
5 game or device shall, for a first offense, be guilty of a misdemeanor; provided, however,
6 that a first offense involving transfer of more than \$100.00 in a single transaction or in the
7 aggregate shall be a felony punishable by imprisonment for not less than one and not more
8 than three years or a fine, or both. Second and subsequent convictions shall be felonies
9 punishable by imprisonment for not less than one and not more than three years or a fine,
10 or both. The fine shall not exceed \$10,000.00 for either the first or the second felony
11 conviction and shall not exceed \$20,000.00 for any subsequent felony conviction.

12 (f.1) Any person who gives to any other person money for any noncash merchandise,
13 prize, toy, gift certificate, or novelty received as a reward in playing a bona fide coin
14 operated amusement machine in accordance with subsection (c) or (d) of this Code section
15 shall, for a first offense, be guilty of a misdemeanor; provided, however, that a first offense
16 involving transfer of more than \$100.00 in a single transaction or in the aggregate shall be
17 a felony punishable by imprisonment for not less than one and not more than three years
18 or a fine, or both. Second and subsequent convictions shall be felonies punishable by
19 imprisonment for not less than one and not more than three years or a fine, or both. The
20 fine shall not exceed \$10,000.00 for either the first or the second felony conviction and
21 shall not exceed \$20,000.00 for any subsequent felony conviction.

22 (g) Any person owning or possessing an amusement game or device described in
23 subsection (b), (c), or (d) of this Code section, or any person employed by or acting on
24 behalf of any such person, who gives to any other person money as a reward for the
25 successful play or winning of any such amusement game or device shall, for a first offense,
26 be guilty of a misdemeanor of a high and aggravated nature; provided, however, that a first
27 offense involving transfer of more than \$100.00 in a single transaction or in the aggregate
28 shall be a felony punishable by imprisonment for not less than one and not more than three
29 years or a fine, or both. Second and subsequent convictions shall be felonies punishable by
30 imprisonment for not less than one and not more than three years or a fine, or both. The
31 fine shall not exceed \$10,000.00 for either the first or the second felony conviction and
32 shall not exceed \$20,000.00 for any subsequent felony conviction.

33 (h)(1) It shall be unlawful for any person to receive money from another person for free
34 replays on a bona fide coin operated amusement machine as defined in Code Section
35 48-17-1.

36 (2) It shall be unlawful for any person to receive money from a person owning or
37 possessing a bona fide coin operated amusement machine as defined in Code Section

1 48-17-1 or any person employed by or acting on behalf of any such person for any
2 noncash merchandise, prize, toy, gift certificate, or novelty received as a reward in
3 playing any such bona fide coin operated amusement machine. It shall be unlawful for
4 any person to receive any money for a gift certificate received as a reward in playing any
5 bona fide coin operated amusement machine.

6 (3) It shall be unlawful for any person to receive money as a reward for the successful
7 play or winning of any bona fide coin operated amusement machine, as defined in Code
8 Section 48-17-1, from any person owning or possessing such bona fide coin operated
9 amusement machine or any person employed by or acting on behalf of such a person.

10 (4) Violation of paragraph (1), (2), or (3) of this subsection shall, for a first offense, be
11 a misdemeanor of a high and aggravated nature; provided, however, that a first conviction
12 involving receipt of more than \$100.00 in a single transaction or in the aggregate shall
13 be a felony offense punishable by imprisonment for not less than one nor more than three
14 years or a fine, or both. Second and subsequent convictions shall be felonies punishable
15 with imprisonment for not less than one nor more than three years or a fine, or both. The
16 fine shall not exceed \$10,000.00 for either the first or the second felony conviction and
17 shall not exceed \$20,000.00 for any subsequent felony conviction.

18 (i) Upon the arrest of any person charged with a violation of subsection (e), (f), (g), or (h)
19 of this Code section or subsequent to such a violation, any peace officer may seize one or
20 more machines or games which are alleged to have been used in such violation. Such
21 seizure shall be reported to the district attorney of the county where the machine or game
22 was seized within ten days of such seizure. Within 30 days after receipt of notice of such
23 a seizure, the district attorney shall cause to be filed in the superior court of the county in
24 which the machine or game was seized an action against the property so seized and provide
25 notice of such action to all persons having an interest in or right affected by the seizure or
26 sale of such property. Otherwise, the civil action and disposition of the machine or game
27 shall be governed by the provisions of subsections (e), (f), (g), and (h) of Code Section
28 16-12-32.

29 (j) Each gift certificate awarded for successful play on a bona fide coin operated
30 amusement machine in accordance with subsection (c) or (d) of this Code section shall
31 have printed on it the following:

32 'GEORGIA LAW PROHIBITS EXCHANGING OR REDEEMING THIS
33 CERTIFICATE FOR MONEY, CASH, OR ANY EQUIVALENT, INCLUDING
34 CHANGE IN MONEY OR CASH AS PART OF AN EXCHANGE FOR
35 MERCHANDISE. CRIMINAL PENALTIES MAY INCLUDE A \$1,000.00 FINE OR
36 ONE YEAR IN PRISON, OR BOTH, FOR THE FIRST OFFENSE AND ARE MORE
37 SEVERE FOR ADDITIONAL OFFENSES.'

SECTION 4.

Chapter 17 of Title 48 of the Official Code of Georgia Annotated, relating to taxation of bona fide coin operated amusement machines, is amended in Code Section 48-17-1, relating to definitions, by striking subparagraph (A) of paragraph (2) and inserting in its place a new paragraph to read as follows:

"(A) Every machine of any kind or character used by the public to provide amusement or entertainment whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object and the result of whose operation depends in whole or in part upon the skill of the player, whether or not it affords an award to a successful player pursuant to subsections (b) through (g) of Code Section 16-12-35, and which can be legally shipped interstate according to federal law. Examples of bona fide coin operated amusement machines include, but are expressly not limited to, the following:

- (i) Pinball machines;
- (ii) Console machines;
- (iii) Video games;
- (iv) Crane machines;
- (v) Claw machines;
- (vi) Pusher machines;
- (vii) Bowling machines;
- (viii) Novelty arcade games;
- (ix) Foosball or table soccer machines;
- (x) Miniature racetrack, football, or golf machines;
- (xi) Target or shooting gallery machines;
- (xii) Basketball machines;
- (xiii) Shuffleboard games;
- (xiv) Kiddie ride games;
- (xv) Skee-ball machines;
- (xvi) Air hockey machines;
- (xvii) Roll down machines;
- (xviii) Trivia machines;
- (xix) Laser games;
- (xx) Simulator games;
- (xxi) Virtual reality machines;
- ~~(xxii) Matchup or lineup games which require the player to use skill stops to complete the game;~~
- ~~(xxiii)~~(xxii) Maze games;

SECTION 8.

Said chapter is further amended in Code Section 48-17-4, relating to refusal to issue or renew licenses, revocation or suspensions of licenses, and hearings, by striking paragraph (1) of subsection (c) and by adding a new subsection immediately after subsection (d) so that paragraph (1) of subsection (c) and subsection (e) read as follows:

"(1) The licensee or applicant has intentionally violated a provision of this chapter, ~~or a regulation promulgated under this chapter,~~ or any provision of Article 2 of Chapter 12 of Title 16;"

"(e) Notwithstanding any other provision of law, Article 2 of Chapter 13 of Title 50 shall not apply to hearings required or authorized by this chapter."

SECTION 9.

Said chapter is further amended in Code Section 48-17-9, relating to annual permit fees and annual permit stickers for bona fide coin operated amusement machines, by redesignating subsection (d) as subsection (e) and inserting a new subsection (d) to read as follows:

"(d) Each permit sticker issued for a bona fide coin operated amusement machine which rewards a winning player exclusively with free replays; noncash redemption merchandise, prizes, toys, gift certificates, or novelties; or points, tokens, tickets, or other evidence of winnings which may be exchanged for free replays or noncash redemption merchandise, prizes, toys, gift certificates, or novelties, in accordance with the provisions of subsections (b) through (d) of Code Section 16-12-35 shall include the following:

'GEORGIA LAW PROHIBITS THE PAYMENT OR RECEIPT OF ANY MONEY FOR REPLAYS OR MERCHANDISE AWARDED FOR PLAYING THIS MACHINE. O.C.G.A. 16-12-35.'

SECTION 10.

Said chapter is further amended by striking in its entirety Code Section 48-17-15, relating to the limitation on percent of annual income derived from machines and revocation or suspension of license for violations, and inserting in lieu thereof the following:

"48-17-15.

(a) In this Code section and in Code Section 48-17-16, the term:

(1) 'Business location' means any structure, vehicle, or establishment where a business is conducted.

(2) 'Gross retail receipts' means the total revenue derived by the business at any one business location from the sale of goods or services and the commission earned at any one business location on the sale of goods or services but does not include revenue from the

1 sale of goods or services for which the business will receive only a commission. Revenue
 2 from the sale of goods or services at wholesale is not included.

3 ~~(a)~~(b) No business owner or business operator shall derive more than 50 percent of such
 4 business owner's or business operator's ~~annual income from~~ monthly gross retail receipts
 5 for the business location in which the bona fide coin operated amusement machine or
 6 machines are situated from bona fide coin operated amusement machines that provide for
 7 noncash redemption as described in subsection (c) or (d) of Code Section 16-12-35.

8 (c) For each business location which offers to the public one or more bona fide coin
 9 operated amusement machines, as defined in Code Section 48-17-1, the business owner
 10 or business operator shall prepare a monthly verified report setting out separately the
 11 gross retail receipts from the bona fide coin operated amusement machines and the gross
 12 retail receipts from the business location. Upon request, the business owner or business
 13 operator shall supply such monthly reports to the commissioner. The department is
 14 authorized to audit any records for any such business location.

15 ~~(b)~~(d) In accordance with the provisions of Code Section 48-17-4 and the procedures set
 16 out in Code Sections 48-17-5 and 48-17-6, the commissioner may fine an applicant or
 17 licensee, refuse to issue or renew a master license, or may revoke or suspend a master
 18 license for single or repeated violations of subsection ~~(a)~~(b) of this Code section.

19 (e) As a penalty for violation of the provisions of subsection (b) or (c) of this Code
 20 section, the commissioner may:

21 (1) Fine:

22 (A) A business owner who is not an applicant for a license or a licensee; and

23 (B) A business operator who is not an applicant for a license or a licensee; or

24 (2) Issue an order barring a person described in paragraph (1) of this subsection from
 25 offering any bona fide coin operated amusement machine to the public for commercial use
 26 at the business location which was the site or subject of the violation for a period not to
 27 exceed six months; or

28 (3) Fine as provided in paragraph (1) of this subsection and issue an order as provided in
 29 paragraph (2) of this subsection.

30 Before a penalty is imposed in accordance with this subsection, a business owner or
 31 business operator is entitled to at least 30 days' written notice and, if requested, a hearing.

32 Such written notice may be served in the manner provided for written notices to applicants
 33 for licenses and licensees in subsection (b) of Code Section 48-17-5, and an order
 34 imposing a penalty may be delivered in the manner provided for delivery of the
 35 commissioner's orders to applicants for licenses or licensees in Code Section 48-17-6."

36 **SECTION 11.**

1 Said chapter is further amended by inserting a new Code section to be designated Code
2 Section 48-17-15.1 to read as follows:

3 "48-17-15.1.

4 (a) For single or repeated violations of Code Section 16-12-35 by a business owner or
5 business operator who offers one or more bona fide coin operated amusement machines,
6 the commissioner may impose the following penalties on such a business owner or
7 business operator who is not an applicant for a license or a licensee:

8 (1) A civil fine in an amount specified in rules and regulations promulgated in accordance
9 with this chapter; or

10 (2) A suspension or revocation of the privilege of offering one or more bona fide coin
11 operated amusement machines to the public.

12 (b) Before a penalty is imposed in accordance with this Code section, a business owner
13 or business operator is entitled to at least 30 days' written notice and, if requested, a
14 hearing. Such written notice may be served in the manner provided for written notices to
15 applicants for licenses and licensees in subsection (b) of Code Section 48-17-5, and an
16 order imposing a penalty may be delivered in the manner provided for delivery of the
17 commissioner's orders to applicants for licenses and licensees in Code Section 48-17-6.

18 (c) In the case of a suspension or revocation in accordance with this Code section, the
19 commissioner shall require the business owner or business operator to post a notice in the
20 business location setting out the period of the suspension or revocation. No master
21 licensee or applicant for a master license shall allow a bona fide coin operated amusement
22 machine under the control of such licensee or applicant to be placed in a business location
23 owned or operated by a business owner or business operator who has been penalized by
24 a suspension or revocation during the period of the suspension or revocation."

25 **SECTION 12.**

26 Said chapter is further amended by inserting a new Code section to be designated Code
27 Section 48-17-16 to read as follows:

28 "48-17-16.

29 (a) Providing that the owner and possessor of a bona fide coin operated amusement
30 machine, as defined in Code Section 48-17-1, have complied with the provisions of this
31 chapter, the governing authority of the county or municipal corporation where such a bona
32 fide coin operated amusement machine is located is not authorized to:

33 (1) Prohibit the possession, use, or offering to the public of such a bona fide coin operated
34 amusement machine in any lawful business; or

1 (2) Restrict the number of bona fide coin operated amusement machines in any lawful
2 business, except as otherwise provided in paragraphs (1), (6), and (13) of subsection (b)
3 of this Code section.

4 (b) The governing authority of any county or municipal corporation is authorized to enact
5 and enforce an ordinance which includes but is not limited to any or a combination of the
6 following provisions:

7 (1) Prohibiting the commercial offering to the public of more than six bona fide coin
8 operated amusement machine which rewards the player exclusively as described in
9 subsection (d) of Code Section 16-12-35 at any business location which sells alcoholic
10 beverages by the package;

11 (2) Requiring the owner or operator of a business location which offers to the public any
12 bona fide coin operated amusement machine which rewards the player exclusively as
13 described in subsection (d) of Code Section 16-12-35 to inform all employees of the
14 prohibitions and penalties set out in subsections (e), (f), (g), and (h) of Code Section
15 16-12-35;

16 (3) Requiring the owner or possessor of any bona fide coin operated amusement machine
17 which rewards the player exclusively as described in subsection (d) of Code Section
18 16-12-35 to inform each business owner or business operator of the business location
19 where such machine is located of the prohibitions and penalties set out in subsections (e),
20 (f), (g), and (h) of Code Section 16-12-35;

21 (4) Providing for fines and the suspension or revocation of a license granted by such local
22 governing authority to manufacture, distribute, or sell alcoholic beverages or for the
23 suspension or revocation of any other license granted by such local governing authority
24 as a penalty for conviction of the owner or operator of a business location of a violation
25 of subsection (e), (f), or (g) of Code Section 16-12-35, or both; provided, however, that
26 a municipal corporation is not authorized to impose any penalty greater than the maximum
27 penalty authorized by such municipal corporation's charter. An ordinance providing for
28 the suspension or revocation of a license shall conform to the due process guidelines for
29 granting, refusal, suspension, or revocation of a license for the manufacture, distribution,
30 or sale of alcoholic beverages set out in subsection (b) of Code Section 3-3-2;

31 (5)(A) Providing that, after the arrest of the owner or operator of a business location or
32 an employee or agent of such an owner or operator for a violation of subsection (e), (f),
33 or (g) of Code Section 16-12-35, the prosecuting attorney of the county or municipal
34 corporation, as the case may be, is authorized to seek an order of the superior court
35 enjoining the owner and operator of the business location from offering to the public any
36 bona fide coin operated amusement machine at the business location where the violation
37 occurred for up to 90 days; and

1 (B) Providing that, after the conviction of the owner or operator of a business location or
2 an employee or agent of such an owner or operator for a violation of subsection (e), (f),
3 or (g) of Code Section 16-12-35, the prosecuting attorney of the county or municipal
4 corporation, as the case may be, is authorized to seek an order of the superior court
5 enjoining the owner and operator of the business location from offering to the public any
6 bona fide coin operated amusement machine at the business location where the violation
7 occurred for up to 90 days;

8 (6) Requiring any business owner or business operator subject to Code Section 48-17-15
9 to provide to the local governing authority a copy of each verified monthly report prepared
10 in accordance with such Code section and incorporating the provisions of such Code
11 section in the ordinance;

12 (7) Requiring that the business owner or business operator of any business location which
13 offers to the public one or more bona fide coin operated amusement machines posts
14 prominently a notice including the words set forth in subsection (d.1) of Code Section
15 48-17-2 for inclusion on a master license for bona fide coin operated amusement machines
16 or words which are substantially similar;

17 (8) Providing for restrictions relating to distance from specified structures or uses, so long
18 as those distance requirements are no more restrictive than such requirements applicable
19 to the sale of alcoholic beverages;

20 (9) Requiring, as a condition for doing business in the jurisdiction, disclosure by the
21 business owner or business operator of the name and address of the owner of the bona fide
22 coin operated amusement machine or machines;

23 (10) Prohibiting the award for successful play of bona fide coin operated amusement
24 machines of gift certificates redeemable at any business location other than the location
25 where the prize was won;

26 (11) Providing for penalties, including fines or suspension or revocation of a license as
27 provided in paragraph (4) of this subsection, or both, for a violation of any ordinance
28 enacted pursuant to this subsection; provided, however, that a municipal corporation is not
29 authorized to impose any penalty greater than the maximum penalty authorized by such
30 municipal corporation's charter;

31 (12) Providing for any or all of the penalties authorized by paragraph (6) of this
32 subsection for violation of Code Section 48-17-15;

33 (13) Requiring an arcade permit for any business offering to the public more than 15 bona
34 fide coin operated amusement machines in a single location; denying such an arcade
35 permit on any grounds which are not arbitrary or capricious; and imposing other
36 reasonable restrictions, not in actual conflict with this chapter or Code Section 16-12-35,

1 concerning the commercial offering to the public of more than 15 bona fide coin operated
2 amusement machines which provide for noncash redemption in a single location;
3 (14) Imposing age restrictions on players of certain bona fide coin operated amusement
4 machines; and
5 (15) Imposing other reasonable restrictions, not in actual conflict with this chapter or
6 Code Section 16-12-35, concerning the commercial offering to the public of bona fide
7 coin operated amusement machines."

8 **SECTION 13.**

9 (a) Except as otherwise provided in subsection (b) of this section, this Act shall become
10 effective on July 1, 2001.
11 (b) Sections 5 and 9 of this Act shall become effective January 1, 2002.

12 **SECTION 14.**

13 All laws and parts of laws in conflict with this Act are repealed.